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Special theme: the Millennium Development Goals and indigenous peoples: redefining the Goals

Ongoing priorities and themes

Information received from Governments

Argentina

Summary

This note provides information on activities undertaken by the Argentine Government with respect to the recommendations made by the Permanent Forum on Indigenous Issues at its fourth session (16-27 May 2005).

Firstly, reference is made to the National Plan against Discrimination, highlighting conclusions with relevance for indigenous peoples, analysing the current legal framework and making proposals of a general nature and by institutional area of application.

Secondly, reference is made to the initiatives undertaken by the Government through the National Institute of Indigenous Affairs aimed at achieving the Millennium Development Goals: eradicating extreme poverty and achieving universal primary education. In addition, pursuant to the recommendations made by the Permanent Forum on collecting and disaggregating data, there is information on indigenous participation in the National Population and Housing Census.

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I. Introduction

1. According to article 75, paragraph 17 of the Argentine Constitution, competence for indigenous matters is shared between the Federal Government and the provincial governments.

2. At the national level, the body responsible for the application of Act No. 23,302 on Indigenous Policy and Assistance to Indigenous Communities is the National Institute of Indigenous Affairs. The Institute coexists with provincial bodies with responsibility in this area, which also develop their own indigenous policies.

3. This report refers to national policies and to measures implemented by the National Institute of Indigenous Affairs pursuant to the recommendations made by the Permanent Forum on Indigenous Issues as well as those in place prior to the recommendations. This does not prejudge the existence of provincial indigenous policies designed to implement measures related to the recommendations of the Permanent Forum on Indigenous Issues.

II. National Plan against Discrimination

4. In October 2001, the then United Nations High Commissioner for Human Rights, Ms. Mary Robinson, visited Buenos Aires with a view to promoting the implementation in Argentina of the conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa. To that end, a Memorandum of Understanding was signed with the Argentine Ministry of Foreign Affairs, through which the Argentine Government undertook to prepare a National Plan against Discrimination whose objectives would coincide with those of the Durban Conference. The Memorandum stipulated that the Government would endeavour to disseminate and implement the Plan.

5. Among the starting points for the National Plan against Discrimination was the conviction that human society is enriched, in every respect, when it recognizes its diversity rather than allowing prejudice, unfounded fears or pointless rivalry to divide it.

6. We aspire to the promotion of a culture of non-discrimination. Kliksberg points out that "disadvantaged groups have values that forge their identity. If disrespected or marginalized, this can be extremely harmful to their identity and can hinder their productivity. On the other hand, their empowerment and affirmation can trigger enormous potential for creative energy" (Kliksberg, Bernardo, *Más ética, más desarrollo* (Buenos Aires, Temas, 2004, p. 41). We share this view and therefore believe that combating discrimination is an obligation of the State and a commitment for everybody.

7. The situation of indigenous people, together with other cultural identities, was developed upon in the "areas of analysis" diagnosis section of the National Plan against Discrimination (adopted by Executive Decree on 7 September 2005).

8. The section in question is an analysis of the issue based on research carried out by independent experts entrusted with drafting the entire National Plan against Discrimination under the supervision of an executive coordinator.

9. The following is a summary of the Plan's provisions with regard to indigenous peoples in Argentine society, extracted from Section III, Diagnosis — Areas of analysis: Ethnic-national, indigenous people, discrimination and negation mechanisms, of the Plan (p. 105 et seq.):

A. The origins of discrimination in our country

10. Discrimination against indigenous peoples in our country has its origins in the establishment of the nation State, whose structure included the denial of American historical roots, together with the subjugation of the people and the usurpation of their land.

11. Referring to all indigenous peoples as Indians helped to homogenize a large group of people with very distinct cultural identities. In this way, their identities were reduced to a single cultural identity imposed and understood as Indian, likened to barbarians or savages.

12. As a consequence of owning neither land nor resources to continue subsisting as they had done before the conquest, the Indians became equivalent to the poor. In the same way, they were categorized with the stigmatizing attributes of poverty such as thief, liar, delinquent, lazy, uneducated, etc.

13. This stigma was so strong that to this day there continue to be problems in understanding the specific cultural identity of each indigenous people as separate from poverty.

14. In the twentieth century, a dominant European culture was imposed on indigenous peoples by means of school and military service — institutions which were designed for the assimilation and homogenization of people. In those institutions, those who spoke in their own language were punished, and a distorted version of history was taught in which any connection with indigenous cultures was branded savage or inferior. This system was so efficient that "... in the region of Puna there are practically no speakers of Quechua or Aymara left, while across the border with Bolivia all communities have preserved their language" (extract from the chapter under review).

15. Likewise, this pattern is found in the official historiography of Argentina which has no records of the violent conquest of the indigenous peoples. As a result, dominance is established on the basis of a distorted and partial view of our country as a European and white nation.

16. The foundations of racial, political, social, economic and cultural discrimination against indigenous people in our country were established on the basis of these historical events.

17. Perpetuating their stigmatization, the new epithet for members of indigenous populations was *cabecita negra* ("black head"), referring to their hair colour, features and skin colour. They would eventually make up the majority in the shanty towns around the big cities.

18. Discriminatory descriptions endure, and the current epithet for indigenous people is *negro villero* ("black shanty dweller"), which has led many of them not to identify their indigenous origins in schools, hospitals or public or private institutions and to avoid speaking in their native language.

19. This situation was also reflected in the National Population and Housing Census of 2000, carried out in 2001, on self-identification and membership in indigenous peoples, in which 281,959 families (according to information from the text under review) were registered as identifying themselves as descendants or members of an indigenous people, despite the fact that many of them did not want to identify themselves for fear of being discriminated against or out of a sense of shame. A supplementary survey is currently being conducted to collect more information on their socio-economic conditions and identity.

20. The relationship between the State and society and the indigenous population took on different dimensions in each region of the country.

21. In fact, the so-called Conquest of the Desert was a euphemism designed to conceal the fact that Patagonia and the Pampas were actually inhabited by various indigenous peoples, including the Mapuche, the Rankulche and the Tehuelche, and were in no way an empty desert waiting to be populated. Governments repeatedly violated the pacts recognizing the rights of the indigenous peoples and their lands were also appropriated. Thousands of Mapuche are currently eking out a living on the outskirts of cities such as Viedma, Carmen de Patagones and Bahia Blanca and the so-called *fiscaleros* (the vast majority of whom belong to the Mapuche community) in Rio Negro and Chubut are still being expelled from their lands.

22. In Tierra del Fuego, the Selk'nam, whose culture dates back more than 3,000 years, "... were exterminated in under 70 years" (extract from the chapter in question). In the Chaco region, the Toba, Pilagá, Wichí and Mocoví peoples were defeated and reduced to servitude in the sugar cane plantations.

23. In Salta and Jujuy, the Guaraníes are now hearing from a number of local political leaders that "... their Chief Calilegua is only a legend, even though some of them are directly descended from him, a man who chose to commit suicide along with his people rather than be reduced to slavery" (extract from the chapter in question).

24. In the region of Puna and Quebrada, many Omaguaca, Ocloya and Kolla communities that had managed to remain in their lands are now finding that their territorial rights are being threatened by the construction of gas pipelines, mining, and so on.

25. It is clear that, with only a few exceptions, our country is continuing to implement policies which "disregard its citizens and their views and fail to take into account the environmental impact of the activities concerned or the need for appropriate monitoring in order to prevent the destruction of natural resources" (extract from the chapter in question).

26. Such actions have direct and ongoing consequences for the indigenous peoples living in their lands.

B. The legal framework

27. The National Institute of Indigenous Affairs (INAI) was established in 1985 in order to protect and support "aboriginal" communities. However, and according to the chapter in question, a number of indigenous leaders have stated that INAI has failed to recognize the rights of their people and has instead carried out welfare-

related activities. It has also been pointed out that INAI is not yet functioning as an autonomous body with the participation of indigenous people since, in comparison to its needs, its budget is extremely limited.

28. In 1992, Argentina ratified International Labour Organization Convention No. 107 of 1957 concerning Indigenous and Tribal Populations. However, the Convention recognizes very few specific rights of indigenous populations, providing only for their "collaboration" in the policies affecting them and, despite acknowledging their unequal social and economic status, simply states, with regard to land, that indigenous people should have been involved in land-use policies in the same way as the rest of the population. The Convention takes a welfare-oriented and humanitarian approach and aims progressively to integrate indigenous people into the lives of their own countries.

29. Subsequently, following the 1994 constitutional reform, article 75 (17) of the Constitution recognized for the first time the pre-existence of the cultural and ethnic identity of Argentina's indigenous peoples and set out the specific rights deriving from that recognition, including "respect for their identity and their right to bilingual and cross-cultural education; [recognition of] the legal capacity of their communities and community possession and ownership of the lands they traditionally occupy; and [regulation of] the granting of other lands that are adequate and sufficient for human development; none of them shall be sold, transmitted or subject to liens or attachments. [Guaranteed] participation in the management of their natural resources and other interests affecting them".

30. As well as recognizing indigenous peoples' rights in the national Constitution, Argentina also ratified International Labour Organization Convention No. 169 of 1989 concerning Indigenous and Tribal Peoples in Independent Countries, which has been in force in Argentina since July 2001 and whose scope greatly exceeds that of Convention No. 107. However, the provisions of that Convention have not yet been harmonized with Argentina's domestic legislation.

31. It is clear that, although existing international laws and agreements confer a wide range of rights on indigenous peoples and provide them with a number of guarantees, very few of those provisions are applied at the national and provincial levels. The discrimination to which indigenous people continue to be exposed is clearly illustrated by the difficulties they experience in gaining access to services and benefits enjoyed by the rest of the population and by the failure to respect the rights specifically set out in the national Constitution.

C. General proposals and proposals by institutional area of application

32. In this context, the National Plan against Discrimination includes concrete proposals designed to improve matters:

> "**General proposals**
>
> 8. Ensure that biodiversity is protected by limiting the massive and indiscriminate destruction of flora and fauna through the introduction of appropriate protective measures.

10. Promote structural changes designed to bring about a large-scale redistribution of wealth and inclusive economic growth, with a view to help the majority of the country's population overcome poverty and the discrimination associated with it.

Legislative reforms

13. Promote the adoption of a law designed to suspend evictions of indigenous communities and regularize community ownership by registering the land in question and issuing the corresponding titles. Steps must be taken to ensure the participation of indigenous people so as to ensure that the land provided is suitable and adequate for human development.

14. Promote the adoption of a national law, applicable in all provinces, designed to protect the natural resources located in indigenous lands from exploitation and to ensure that the indigenous communities themselves, with any necessary technical support provided by the State, would be responsible for the upkeep and protection of those lands.

15. Promote the adoption of a law designed to return to indigenous peoples their sacred sites and to ensure their participation in that process.

16. Promote the amendment of Act No. 25,743 on the protection of archaeological and palaeontological heritage with a view to recognizing indigenous peoples' right to participate, along with the State's specialist bodies, in the management and preservation of archaeological sites.

Proposals by institutional area of application

Administration of justice and legislation

Measures for immediate action

50. Design a programme specifically geared towards access to justice for indigenous people, encompassing training for judges and public prosecutors in the area of new indigenous rights, the provision of legal advice and interpretation/translation and the use of expert reports on indigenous culture, and recognition of indigenous customary law in the settlement of disputes within communities, in accordance with the provisions of International Labour Organization Convention No. 169.

51. Implement the measures needed to give effect to Act No. 25,517, in order to make available to indigenous communities any mortal remains of indigenous people located in museums and/or public and private collections. These measures will be coordinated by INAI with the participation of indigenous people.

Public administration

Strategic proposals

63. Promote and support the establishment and operation of social organizations of indigenous people, people of African descent, migrants and other ethnic, cultural, religious and linguistic groups or minorities. Such

organizations could be operated in conjunction with 'Citizens' Legal Watch' projects, in order to provide training on awareness, monitoring and control of the implementation of laws to protect fundamental rights (familiarization with the instruments and their basic provisions as well as ways of assessing their implementation).

68. Confer structure and autonomy on INAI, in accordance with the provisions of Act No. 23,302, and ensure that indigenous people participate actively in its management.

Measures for immediate action

77. Ensure that the nationwide process of restoring indigenous peoples' territorial rights is pursued, in accordance with the relevant international agreements and national legislation.

78. Implement a dedicated national campaign designed to register all indigenous people throughout the country and issue them, free of charge, with identity documents. The campaign should be designed jointly by the competent State bodies (INAI, National Registry Office, etc.) and indigenous peoples' organizations in each province in order to employ a methodology that reflects the needs and characteristics of each group in each region.

79. Promote compliance by the entity responsible for the National Registry of Indigenous Communities with the obligation to consolidate the existing State database of indigenous communities, organizations and peoples at the national and provincial levels.

80. Promote the establishment of the Indigenous Coordination Council, in accordance with the provisions of Act No. 23,302.

81. Design and implement a national sustainable development programme for indigenous communities which is tailored to their cultural needs and characteristics in order to reduce poverty and extreme poverty in those communities. Steps must be taken to ensure the participation of indigenous people in this process.

82. Design a programme to strengthen indigenous communities and organizations. Such a programme should be implemented by INAI with the participation of the Indigenous Coordination Council and indigenous communities and organizations in each province.

83. Design a programme to strengthen indigenous women's organizations and to disseminate information about indigenous women's rights, with a view to promoting their participation in community decision-making and eliminating violence against them. Such a programme should be drawn up by the National Institute to Combat Discrimination, Xenophobia and Racism (INADI), INAI, the National Women's Council and the Human Rights Secretariat in conjunction with the relevant provincial bodies and steps should be taken to ensure the participation of indigenous people in that process.

84. Designate 12 October as a day of historical reflection and cross-cultural dialogue.

85. Develop a programme for the promotion of the tangible and intangible cultural heritage of indigenous peoples with a view to promoting and supporting, at both the national and the provincial levels, projects designed to promote indigenous culture by offering incentives to study indigenous history, language and festivals as part of Argentina's history and culture and establishing, for example, a Museum of Indigenous Art. This programme should be developed by the Department of Culture, INAI and the provincial departments of culture, in conjunction with indigenous communities and organizations from each province.

86. Train national and provincial civil servants who deal with indigenous people in respect for these peoples and their rights, with a view to eradicating the discriminatory practices inherent in public institutions.

Religion

Measures for immediate action

140. Implement the necessary measures for the free exercise of indigenous spirituality to be respected, avoiding the imposition of beliefs which could hinder the free exercise of indigenous spirituality.

Education

Measures for immediate action

168. Strengthen the National Programme for Intercultural Bilingual Education conducted by the Ministry of Education, providing it with the legal mechanisms for its implementation in all provinces in order to ensure literacy and bilingual education for the entire indigenous population.

169. Promote the organization of special indigenous language courses for the staff of schools and hospitals.

170. Promote and support projects to promote indigenous culture through incentives to study its history, language and festivals, considering it a diffusion of Argentine culture.

171. Provide a thorough presentation of national history, highlighting the contributions of the different cultures and civilizations of the region and the world in the formation of national identity, including the role of other ethnic, cultural, religious and linguistic groups or minorities.

172. Promote the linguistic study of endangered indigenous languages and their recovery through the compilation of dictionaries and grammars.

173. Promote dialogue between indigenous peoples and academics with regard to the ethics of scientific research and respect for the elements of their culture (languages, customary law, religious and cosmogonic beliefs, etc.).

Media

Measures for immediate action

215. Diffuse indigenous rights throughout the country in all the indigenous languages spoken in Argentina.

Health

Strategic proposals

223. Provide cultural mediators and interpreters to social services in areas where there is a significant level of multilingualism (deaf people, indigenous communities, other ethnic groups and migrant populations).

224. Strengthen the system of indigenous health workers, providing a link between medical practice and traditional knowledge.

225. Implement a sound medication policy, guaranteeing comprehensive non-discriminatory cover to the population through a formulary of essential drugs for public establishments.

226. Design measures aimed at achieving an adequate ratio of equipment to inhabitants in order to promote the rational use of diagnostic and treatment methods and ensure minimum levels of provision for the entire population.

227. Establish rehabilitation centres in every town with more than 75,000 inhabitants and/or more than 200 kilometres from the nearest rehabilitation centre, and provide transportation expenses to people needing to attend the centres. It is suggested that rehabilitation centres should be connected to special schools, come under the Ministry of Health and have both the necessary personnel for the services offered and the possibility to offer people with special needs the technological devices necessary for their rehabilitation and/or professional reinsertion.

228. Promote participatory social management in health-care centres, involving health workers and social organizations in the effective control of public health policies.

229. Adjust budgetary allocations to the competent areas as an essential condition for the protection of the rights of victimized groups.

Measures for immediate action

230. Take appropriate measures to eliminate any administrative provisions which involve a stigmatizing difference in treatment in hospitals and public health centres, particularly provisions related to the payment of vouchers and the processing of hardship cases.

231. Ensure equal treatment of all persons in all health centres by imposing punitive measures on public servants who display discriminatory attitudes or treatment.

232. Promote the adequate treatment and epidemiological study of pathologies related to the use of toxic agrochemicals in farming activities. The implementation of community prevention campaigns on the issue is suggested.

233. Strengthen the Indigenous Peoples' Health Programme by guaranteeing the appointment of health workers with a knowledge of indigenous medical practices and taking the necessary steps to improve the health of members of the communities (infant mortality, maternal mortality, vaccination coverage, nutrition, particularly for women and children, endemic diseases, sexually transmitted diseases and HIV, and access to health services, for example)."

III. Follow-up to the recommendations made at the fourth session of the Permanent Forum on Indigenous Issues

A. Goal 1 of the Millennium Development Goals

1. Sustainable development projects that respect identity

33. The eradication of extreme poverty and hunger will be examined on the basis of the following thematic approach with regard to action to combat poverty: good practices and obstacles to implementation. In connection with paragraphs 11 and 12 of the report on the fourth session of the Permanent Forum on Indigenous Issues (E/2005/43-E/C.19/2005/9), it should be noted that the National Institute of Indigenous Affairs provides technical and financial assistance for the implementation of sustainable development projects that respect identity, that is, with the participation of indigenous people at all stages. Such participation results in the development of responsibilities, self-management and a sound basis for group and community work.

34. Thus, when projects are planned in a comprehensive, concerted and participatory manner, their sustainability is guaranteed, as is the continuation of their benefits once the support and financing have expired.

35. Social benefits are directed at communities in situations of greatest poverty. Likewise, actions aimed at improving the communities' socio-economic and cultural conditions are promoted as a means of guaranteeing the effective occupation of their land and territories.

36. In 2005, sustainable development projects to the value of approximately Arg$ 980,000, the equivalent of US$ 367,000, were carried out.

37. Sustainable development projects are designed on the basis of the following lines of action:

Productive projects. Geared towards own consumption and/or marketing

- *Housing and environmental improvements*. Small housing construction projects; improvements (roofs, extensions, refurbishments); construction of community centres; collection/storage/distribution of water; irrigation systems; improvement of community services in general.
- *Social infrastructure*. Communications systems (radios and Internet, for example), road access (bridges and road improvements), renewable energy, heating, tourism and others.
- *Organization and institutional strengthening of communities*. Training and technical support
- *Development of indigenous culture and crafts*. Projects aimed at the recovery and revaluation of indigenous cultures, both in their historical and contemporary forms, preserving their heritage, highlighting their values, safeguarding their norms and community-based way of life and respecting and ensuring respect for their world view. With regard to capacity-building by indigenous communities in the development of better methods of marketing their handicrafts, it should be noted that there are training workshops and

training grants are awarded for accounting, English, information technology, web design and other activities.

- *Preventive health care*. Comprehensive health projects are conducted which address the causes of the deterioration of the communities' health; health education projects are financed; prevention programmes are supported; provision is made for the revaluation of traditional medicine and forums for intercultural dialogue; and, basically, the participation of indigenous communities in the management, organization and evaluation of health measures implemented in the communities is encouraged.

2. Participation of indigenous communities in decision-making

38. With regard to paragraph 21 of the report, the participation of indigenous communities in decision-making is currently the cornerstone of INAI operations. The National Institute for Indigenous Affairs considers the participation of indigenous communities in issues that affect them to be an essential priority.

39. To this end, INAI is developing and consolidating mechanisms for the effective participation of indigenous peoples in elaboration, decision-making, implementation and monitoring with regard to public policies that affect them.

40. Act No. 23,302 envisages the establishment of the Coordinating Council (art. 5) composed of indigenous representatives and representatives of the ministries of the Interior, Economy, Labour, Education, Justice and each of the provinces that accede to Act No. 23,302. The Coordinating Council is incorporated into the institutional structure of INAI and is the authority established to ensure that indigenous peoples are represented at governmental level and decide, together with other governmental actors, on issues that affect them.

41. Given that Regulatory Decree No. 155/89 of the Act established the election of indigenous representatives by means of a methodology with low participation and given that participation of indigenous peoples in governmental decision-making cannot be postponed any longer, the Council on Indigenous Participation was established by INAI Resolution No. 152 of 6 August 2004 and amendment No. 301/04.

42. The Council on Indigenous Participation will be responsible for determining the mechanism for appointing indigenous representatives to the Coordinating Council. Until the Coordinating Council has been formed, the Council for Indigenous Participation may intervene and take immediate action in respect of various urgent issues that require the participation of representatives of indigenous communities.

43. The Council on Indigenous Participation is made up of a delegate and an alternate for each indigenous group in each province. Over 40 community assemblies were held to elect its representatives, in order to guarantee the widest possible participation, so that the delegates are automatically representative of those groups.

44. After the election of the delegates, a series of regional meetings to discuss solutions to the needs of their communities began, including the north-western Argentina meeting in October, the north-eastern meeting in mid-November and the Patagonia regional meeting in mid-December.

45. As mentioned earlier, once the indigenous representatives were elected through the electoral mechanism established by the Council on Indigenous Participation, a Coordinating Council was established, with the following responsibilities (Decree No. 155/89, art. 7):

- Conduct necessary studies on the situation of indigenous communities and the individual problems affecting them.
- Propose to the president an order of priorities for solving the problems identified, the methods and actions to address them and objectives and a programme of action for the National Institute of Indigenous Affairs in the medium and long term.
- Study plans for allocation and, where appropriate, expropriation of land within the scope of Act No. 23,302 and develop projects for its use through ad hoc committees and the participation of specific communities, for submission to the president.
- Analyse, approve or propose changes to the programme of action and budget.
- Consider and approve the analysis of the situation of the country's indigenous communities, the report of the activities of the National Institute of Indigenous Affairs and the evaluation of its outcome. Approve the economic-financial management plan for submission to the Ministry of Health and Social Action.
- Study mechanisms to be suggested to indigenous communities to allow them to elect their representatives in accordance with article 3, paragraph II, as well as the procedures for the communities to set up a formal organization for the purposes stipulated in Act No. 23,302 and this decree.
- Supervise and rule on the functioning of the National Registry of Indigenous Communities and inform the president thereon.
- Rule on any land allocation programmes carried out.
- Rule on any other matter submitted for its consideration.

46. Likewise, article 8 of Decree No. 155/89 stipulates that "the result of the studies, recommendations and rulings of the Coordinating Council shall guide the President (of INAI) in his decisions".

47. Through the participation mechanisms described above, indigenous peoples will be closely involved in the design and formulation, as well as implementation and monitoring of poverty reduction strategies, which will ensure that the strategies are developed on the basis of the indigenous communities' world view, not imposed from outside.

3. Normative progress

48. With regard to paragraphs 14, 21 and 23 of the report, the 1994 reform of the National Constitution signified major normative progress regarding recognition of the rights of indigenous people by incorporating in the highest law of the land special rights for indigenous peoples, recognizing both their existence prior to the establishment of the Nation and their ethnic and cultural difference.

49. Article 75, paragraph 17, of the National Constitution of the Argentine Republic stipulates that it is the responsibility of Congress "To recognize the ethnic

and cultural pre-existence of Argentine indigenous peoples. To guarantee respect for their identity and their right to bilingual and cross-cultural education; to recognize the legal capacity of their communities and community possession and ownership of the lands they traditionally occupy; and regulate the granting of other lands that are adequate and sufficient for human development; none of them shall be sold, transmitted or subject to liens or attachments. To guarantee their participation in the management of their natural resources and other interests affecting them. The provinces may also exercise these duties concurrently."

50. Based on this constitutional recognition, a specific system of rights has been established for indigenous peoples which, as a minimum, should be considered to apply at all times, even without legislative development, and that encompasses the obligation to adjust the framework of the State and its institutions to take into account the recognition of its ethnic and cultural diversity.

51. Similarly, in July 2000 Argentina ratified International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. By virtue of article 75, paragraph 22, of the National Constitution, this international instrument takes precedence over national laws and therefore, all the rights granted therein have the same legal status as those recognized in the National Constitution.

52. In order to comply with the wealth of legislation, in particular, the constitutional requirement to "recognize community possession and ownership of the lands they traditionally occupy", INAI implements land regularization and allocation programmes and signs agreements with provincial governments for the purposes of regularizing all the public land in the provinces in the possession of indigenous communities. These programmes include certain activities prior to the granting of community ownership titles:

- Mapping of location
- Verification
- Preliminary agreement
- Marking of boundaries
- Tendering and execution of site studies
- Approval and certification of the land registry
- Decrees
- Issuance of community titles

53. To date, INAI has signed agreements with the provinces of Rio Negro, Chubut and Jujuy.

54. In the case of indigenous communities without legal personality, before carrying out this programme, the families of the community in question are encouraged to organize and arrangements are made for recognition of its legal personality through entry in the National Registry of Indigenous Communities (in conjunction with the provincial registries).

55. Under these programmes, special attention is paid to ensure that no lands are "sold, transmitted or subject to liens or attachments", in accordance with the

National Constitution. In cooperation with other national programmes public lands available for allocation to indigenous communities, on prior, free and informed consent, are identified. The "Community-building Programme" established by resolution No. 235/04 is conducted, providing subsidies to indigenous communities that request them to meet the costs of legal action or defence for the purpose of regularizing ownership of their ancestral lands. On 6 September 2004, the Executive Branch brought before the Congress an emergency bill on community ownership, which declared an emergency in ownership and possession of lands traditionally occupied by indigenous communities, and suspended for a period of four years the execution of eviction orders resulting from legal proceedings whose main or secondary objective was the eviction of those communities. This action was taken for the purpose of finding appropriate solutions in each case. This bill is under consideration by the Committees of the Chamber of Deputies.

56. In accordance with the Constitutional mandate to "regulate the granting of other lands that are adequate and sufficient for human development" expropriations under the relevant laws passed in Congress are executed and financed and requests for purchase of lands are considered from communities which do not possess adequate and sufficient lands for human and community development.

B. Goal 2 of the Millennium Development Goals

Education policy

57. The achievement of universal primary education will be examined from the thematic viewpoint of language, cultural perspectives and traditional knowledge. With respect to paragraph 48 of the report, in the area of education the domestic laws concerning indigenous peoples are article 75, paragraph 17, of the National Constitution; Act No. 23,302; and the Federal Education Act No. 24,195, especially its articles 5 and 34. The National Constitution stipulates the following.

58. The State shall establish guidelines for education policy in accordance with the following rights, principles and criteria (the following paragraphs address the situation of indigenous peoples):

(a) Strengthening national identity while respecting the specific characteristics of each region;

(f) The achievement of effective equality of opportunities and possibilities for all citizens and the rejection of all types of discrimination;

(g) Equity through the equitable distribution of educational services with a view to achieving the best possible quality and balanced results that reflect the diverse nature of the population;

(n) The elimination of all discriminatory stereotypes from teaching materials;

(q) The right of aboriginal communities to preserve their cultural traditions and the study and teaching of their language, thereby enabling adults in their communities to participate in the education process.

59. Article 34 stipulates that the State shall promote programmes in collaboration with the relevant authorities, to restore and strengthen indigenous languages and cultures, emphasizing their importance as a force for reintegration.

60. In order to ensure the effective implementation of the rights recognized under current legislation, the National Institute of Indigenous Affairs (INAI) defined working guidelines designed to support intercultural education and aboriginal teaching methods, cultural revitalization and historical research activities to be undertaken by indigenous peoples themselves, as well as educational and awareness-raising measures aimed at the general population.

61. In the area of education the goal of INAI is to help strengthen intercultural bilingual education by implementing mother-tongue teaching projects, publishing bilingual materials for students in schools belonging to the national education system, based on the experiences of each community or people. The aim is to ensure that indigenous children have the right to an intercultural bilingual education and access to quality education.

62. With the same goal in view, and as part of the actions of INAI in this area, projects are being implemented with a view to providing rapid solutions to problems in the education system — for example, by assigning language specialists to schools that do not have bilingual teachers. There are also projects to teach music, crafts, indigenous dancing, preparation of traditional foods, etc., which are designed and run by the communities themselves.

63. In accordance with the above guidelines, INAI runs the following programmes.

Programme on support for intercultural indigenous education

64. This programme is designed essentially to ensure that indigenous students complete their secondary studies, and has four components:

(a) Scholarships for indigenous students, who are recommended by community representatives;

(b) Scholarships for intercultural tutors;

(c) Workshops aimed at strengthening indigenous identities and cultures;

(d) Intercultural Educational Community, involving teachers, school principals, students, families, community representatives and health workers.

The function of intercultural tutors is to assist indigenous students with their education and help strengthen their cultural identity. The tutors act as a link between the various officials involved in the CEI. Tutors may be indigenous or non-indigenous, but they must be elected by their local communities.

65. The programme on "Support for Intercultural Indigenous Education" was established by an agreement signed between the Ministry of Social Development and the Ministry of Education, Science and Technology in 1997. The programme was incorporated into the Universal Programme — National Student Scholarship Programme of the Ministry of Education, Science and Technology, thus ensuring a specific allocation for indigenous students within the Universal Programme.

66. In 2003, 5,000 scholarships were awarded. In 2004, because the demand for scholarships exceeded the number of scholarships awarded in the previous year, 6,000 scholarships were awarded. In 2005, the number of scholarships rose to 8,000. INAI also awards scholarships to indigenous students at the tertiary and university

levels. In the case of the latter, scholarships are awarded under a subprogramme of the National University Scholarships Programme.

Programme for the teaching of literacy in indigenous communities by indigenous teachers

67. The main objective of this programme is to ensure that indigenous illiterate youths and adults learn basic writing skills, using their own culture and language, in areas where two languages — Spanish and the language of the regional linguistic subgroup — are spoken. The programme thus seeks to make indigenous communities literate, first, so that they can subsequently enter the formal education system.

68. Literacy is taught by bilingual, indigenous literacy teachers who are appointed by their own communities. All communities requesting a project must elect two literacy teachers from within their respective communities, each of whom will teach a class of up to 10 students. The programme aims to provide instruction to approximately 2,000 youths and adults per year.

C. Ongoing priorities and themes: data collection and disaggregation

Participation of indigenous peoples in the National Population and Housing Census

69. With regard to paragraphs 84 to 92 of the report, it should be noted that the first time that a national data-collection exercise was carried out concerning indigenous peoples was the most recent National Population and Housing Census, conducted in 2001, which was authorized by Act No. 24,956/97.

70. This census included a question designed to identify those households in which at least one person recognized himself or herself as a descendant or member of an indigenous people. Thus, from the beginning of the data-gathering process the principle of self-identification was fully respected.

71. On the basis of the census results, a household data sample was produced, including households in which at least one person identified himself or herself as indigenous, with the aim of conducting a broader, deeper survey. Thus, the Supplementary Survey of Indigenous Peoples 2004-2005 (ECPI) represents the second phase in the data-collection process, being specifically addressed at indigenous peoples and including all peoples belonging to indigenous groups in Argentine territory.

72. The data-collection phase of the ECPI has now been completed, but the data-processing and dissemination phase is not yet complete. In certain provinces, basic census information may be consulted on the web site of the National Institute of Statistics and Censuses (www.indec.gov.ar).

73. It should be noted that the participation of indigenous peoples in the various stages of the data-collection and data-processing exercise was fundamental to the entire process of conducting the Supplementary Survey (ECPI).

74. The following description of the agencies involved in compiling the ECPI illustrates the broad participatory process employed in the design of the questionnaire and the implementation of the survey:

(a) The National Institute of Statistics and Census (INDEC), as the lead agency for official statistics in the Argentine Republic, is responsible for designing and organizing the survey;

(b) The Provincial Statistics Offices (DPE) coordinate and execute the gathering of data in their respective areas of jurisdiction;

(c) The National Institute of Indigenous Affairs (INAI), as the national agency for indigenous affairs, serves as the link between INDEC and indigenous peoples;

(d) Indigenous peoples not only are at the heart of the question from the thematic standpoint, but participated in the design of the ECPI and also take part in the various phases of the operational process.

75. The indigenous regional coordinators played a key role in the design of the ECPI as representatives of the various indigenous communities, thereby ensuring their full and broad participation.

76. To that end, the coordinators invited indigenous representatives from the various provinces to attend regional workshops to discuss and debate the questionnaire, offering their own critical observations and suggestions on the text.

77. The operational components of the ECPI are conducted by the regional coordinators, provincial representatives, public-awareness officers, instructors, indigenous enumerators and, whenever assistance is needed to reach the more remote households, indigenous field workers.

78. The use of local indigenous languages was systematically guaranteed under the ECPI because only indigenous workers were involved. In the case of households in which only the native language is spoken, the indigenous enumerators conducted the survey in the native language and then translated the responses into Spanish.

79. A number of seminars were also held with a view to educating non-indigenous professionals and technicians concerning the daily lives and cosmovision of indigenous communities and instructing the indigenous representatives in the various processes involved in the ECPI. This helped build capacities among both indigenous and non-indigenous participants.

80. The ECPI thus guaranteed the principle of prior, free and informed consent, and helped foster participation by indigenous peoples.